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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

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| Application No. <i>09/040,911</i> | Applicant(s) <i>M. J. Grady et al</i> |
| Examiner <i>J. Howard</i> | Group Art Unit <i>1721</i> |

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on _____

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 & 17 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 & 17 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5 Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 1721

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 to 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 94/20593 or WO 96/23855 or Hart et al (5,833,721).

Each of the above prior art references teaches a composition comprising a liquid hydrocarbon middle distillate fuel oil having a sulphur concentration within the same range as in the instant claims and a succinimide dispersant additive. Note especially Table I of the 20593 reference, page 4 last paragraph of the 23855 reference and col. 9 lines 53 to 60 for teaching of low sulfur content fuel oil. See claim 9 of 23855, claims 11 and 12 of 20593 and col. 5 lines 42 to col. 6 line 50 for teaching of the polyalkenyl derivation of dicarboxylic acid of the same nature as in the instant claims. The molar ratio of said dicarboxylic acid derivative to polyamine overlaps that as recited in the claims. It is the Examiner's position that the instant claims would be prima facie obvious in view of these references. One of ordinary skill in the art would be motivated to add an ashless dispersant of the claimed type to a low sulfur content distillate fuel oil to obtain a fuel oil which enhances engine cleanliness because the prior art teaches low emission fuel oils are obtained by adding the same type of ashless dispersant to low sulfur containing fuel oils. It is not unobvious to follow the teaching of the prior art.

Art Unit: 1721

Any inquiry concerning this communication should be directed to J. Howard at telephone number (703) 308-2514.

A handwritten signature in cursive script, appearing to read "J. Howard".

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J. Howard/vr

12-10-98